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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,566	02/09/2005	Kari Viljakainen	HEIN-059	1323

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The Farragut Building
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11/01/2007

EXAMINER

LAUX, JESSICA L

ART UNIT	PAPER NUMBER
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3635

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/506,566	Applicant(s) VILJAKAINEN, KARI	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/09/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 2, 7 all recite limitations lack antecedent basis in the claim.

Claim 1 – “the loads”, line 9; “the column mold”, line 12

Claim 2 – “the back side”, line 15

Claim 7 - “the top plate edge”, lines 35-36; “the column mold”, line 36;
“the frontal surface”, page 8

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation “e.g. by welding”, which is indefinite as it is unclear whether welding is an example or the intentional only option of securing methods.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

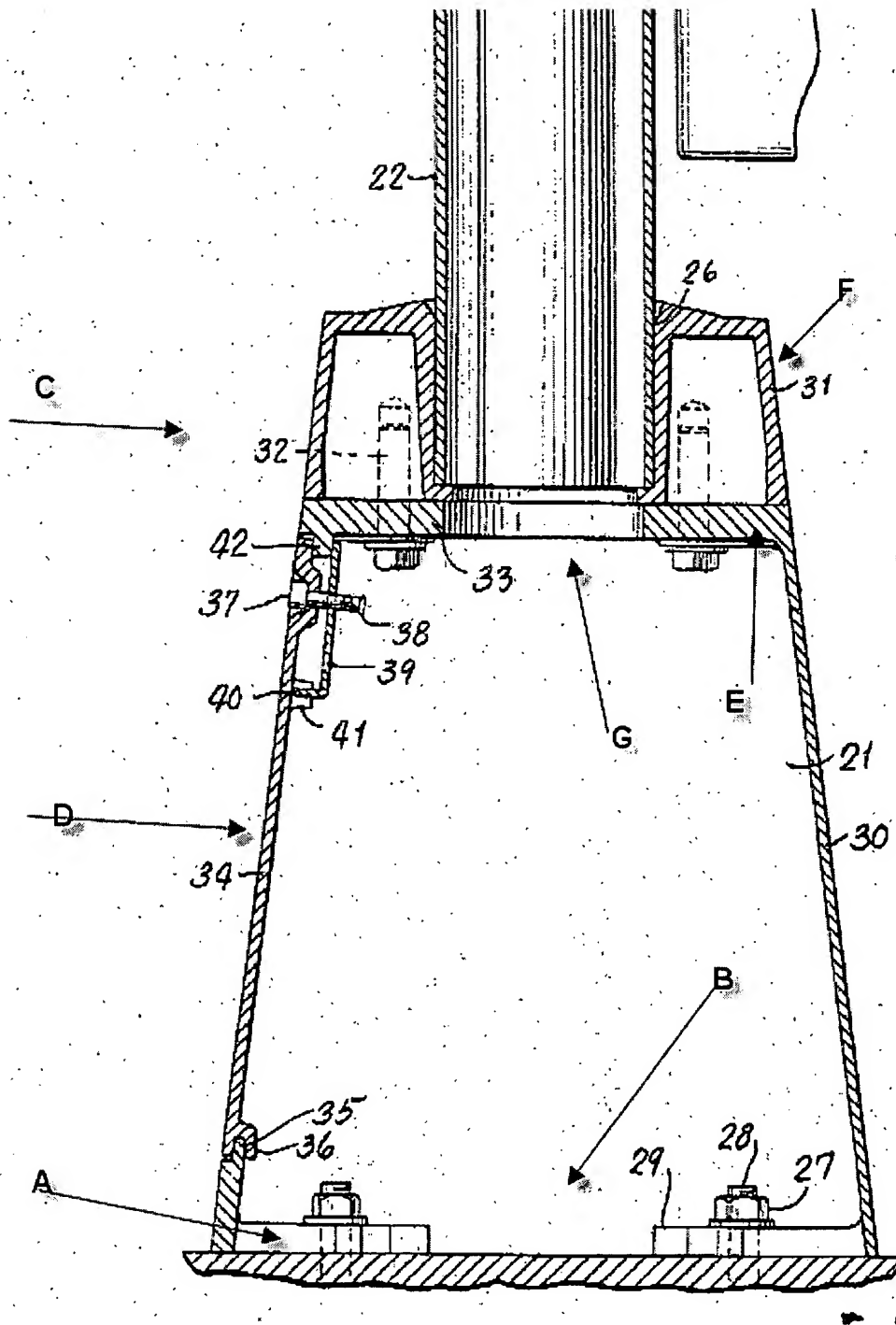
Claims 1-3, 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Deskey et al (3369331).

Regarding claim 1: Deskey discloses a spot footing capable of securing a precast concrete or timber column to a foundation and/or for extending such a column, said spot footing comprising:

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a base plate (A, see annotated drawing below) provided with a mounting hole (B), and a cylindrical protective casing (30) consisting of a top plate (C), a side wall part (D) having an opening (34) and anchor bars (32), characterized in that the spot footing comprises two or more anchor bars (32, figure 7) secured to the top plate so that the loads are transmitted via anchor bars, the top plate, the wall part and the base plate, and the top plate consists of a thicker force-transmitting part (E) and a thin protective casing part (F), which is fittable against the column mold (22, figure 7).

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Regarding claim 2 (as best understood): Spot footing according to claim 1, characterized in that one or more vertical anchor bars (figure 7, 39) are secured to the back side of the side wall part substantially on an axis of symmetry.

Regarding claim 3: Spot footing according to claim 1, characterized in that the side walls of the protective casing are so shaped that, in respect of material strength, the center of gravity of the cross-section of the wall is located substantially at the center of the bolt hole (figures 1, 7).

Regarding claim 5: Spot footing according to claim 1, characterized in that the top plate of the protective casing is provided with a round hole (G) located in alignment with the hole in the base plate, allowing the use of prestressing cables.

Regarding claim 6: Spot footing according to claim 1, characterized in that the anchor bars are so disposed in the top plate that the anchor bars are located substantially around the hole of the base plate (figure 7).

Regarding claim 7: Spot footing according to claim 1, characterized in that the top plate consists of two parts of different thicknesses, either so that the top plate edge fitted against the column mold is made of thinner material than part (figure 7), or so that the thinner part is secured to the frontal surface of the thicker part.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Deskey et al (3369331).

Regarding claim 4: Deskey discloses the spot footing according to claim 1, but does not expressly disclose that the hole of the base plate is elliptical. However, it would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made to modify the hole of Deskey to be elliptical (or any other shape) to accommodate various installation requirements, for example where more base plate surface would be required to allow for more bolts to securely anchor a device carrying more load and subject to more force.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/J. CHAPMAN/
PRIMARY EXAMINER

JL
10/25/2007